

Remarks

In a telephone conference between Assignee's representative, Al Wiedmann Jr., and Examiner Victor Macarthur on Wednesday, July 20, 2011, it was Mr. Wiedmann's understanding that Examiner MacArthur agreed to allow claims 9 and 20 as amended in the reply filed alongside the Request For Continued Examination on April 30, 2010. Accordingly, the Assignee submits herein a Preliminary Amendment that amends the claims such that the limit of claim 9 is incorporated into independent claim 1 and the limits of independent claim 1 are incorporated into claim 20, resulting in 2 independent claims.

The Assignee also indicates that in the amendment of April 30, 2010, the Assignee amended claim 9 in the following way: "clearance...between said first elongated member compression surface and said ~~larger elongated member compression surface~~, projection", and that the Examiner expressed concern with this amendment during the July 20, 2010 telephone conference. As such, claim 9's limitation has been amended to now read (after entry of the amendments filed herein) "between said first elongated member compression surface and said larger elongated member compression surface".

The Assignee also indicates that it has canceled herein claims that were earlier withdrawn.

Further, the Assignee has added herein new claims 50-65. Claims 50-54 and 57-63 are merely claims 2, 3, 8, 11, 12, 42, 44, 45, 46, 47, 48 and 49 rewritten to depend from claim 20 (which is now a new independent claim). Claims 55 and 63 are merely added to clarify that one type of clamp that may be used has a clamping lever; claims 56 and 56 are added to clarify that the single clamp may be a threaded bolt and nut type. There is abundant support for these types of clamp in the specification as originally filed.

Additionally, the office and any third persons interested in potential scope of this or subsequent applications should understand that broader claims may be presented at a later date in this or a continuation in spite of any preliminary amendments, other amendments,

claim language, or arguments presented, thus there is not intention to disclaim or surrender any potential subject matter. It should be understood that such broader claims may require that any relevant prior art that may have been considered may need to be re-visited since it is possible that to the extent any amendments, claim language, or arguments presented in this application are considered as made to avoid such prior art, such reasons may be eliminated by later presented claims or the like. Both the examiner and any person otherwise interested in existing or later coverage or considering the possibility of an indication of disclaimer or surrender of potential coverage, should be aware that no such surrender or disclaimer is intended or exists in this application. Limitations such as arose in *Hakim v. Cannon Avent Group, PLC*, 479 F.3d 1313 (Fed. Cir 2007), or the like are expressly not intended in this or any subsequent matter related.

Importantly, it should be understood that the amendments submitted herein are made as a matter of practicality only, and should not to be construed as creating any situation of file wrapper estoppel or the like as all rights are expressly reserved and may be pursued in this or other applications, such as divisionals, continuations, or continuations-in-part if desired. Amendments are made for tangential issues of clarity and as a matter of the Office's convenience or expedience only. The amendments should not be interpreted as an action that in any way surrenders a particular equivalency, surrenders any right to patent coverage, or otherwise limits any rights that the Applicant may now or hereafter assert. It should be understood that, unless and to the extent deemed broadened by this amendment, and even as amended, the Applicant expressly reserves all rights, including but not limited to: all rights to maintain the scope of literal coverage with respect to any element as may have existed under the language previously presented, all rights to maintain the scope of equivalency coverage as may have existed under the language previously presented, and all rights to re-present the prior language at any time in this or any subsequent application. To the extent currently foreseeable, no change or reduction in ***direct or*** equivalency coverage is believed to exist, and no change or reduction in ***direct or*** equivalency coverage is intended through the presentation of this amendment.

In response to the Examiner's concerns, the Applicant has amended the claims. Claims 1 and 20 have been amended herein, new claims 50-65 have been added herein, and certain claims have been canceled. It is believed that all pending claims are in condition for allowance. It is requested that the Examiner please amend the claims as indicated herein, reconsider the application and allow the claims at his earliest convenience.

Dated this 25th day of July, 2011.

Respectfully submitted,

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